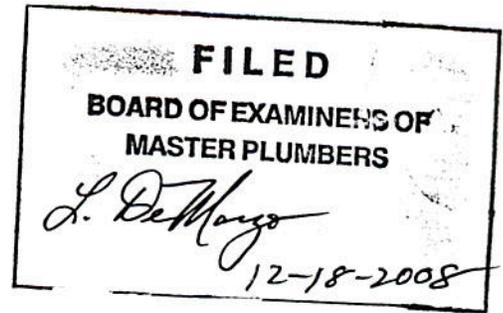


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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF EXAMINERS OF MASTER PLUMBERS

IN THE MATTER OF

Michael Gesualdo, L.M.P.
License No. LMP 36BI00994400

LICENSED TO PRACTICE AS A
MASTER PLUMBER IN
THE STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Examiners of Master Plumbers ("the Board") upon receipt of two consumer complaints alleging that Michael Gesualdo ("respondent"), subcontracted plumbing work to someone who was not a licensed master plumber and on two separation occasions signed and sealed a plumbing permit for use by a person other than the State licensed master plumber to whom it was issued. The first complaint received from consumer J.T. alleged that respondent took out a permit to perform plumbing work at his residence. It was later learned that respondent did not perform all the plumbing work. Instead, an individual who was not licensed to practice plumbing, and was not employed by respondent, did some of the plumbing work at the residence. J.T. stated that the unlicensed entity working under respondent's license failed to purchase necessary fixtures and attempted to "refund" his money with a check on an account with insufficient funds.

The second complaint, received from consumer F.L., alleged that respondent signed the necessary permits to do plumbing work at his residence, but neither respondent, nor his

employees, did any of the plumbing work.

Respondent appeared before the Board for an investigative inquiry. Respondent admitted he subcontracted the plumbing work performed for J.T. to an individual who was not licensed and was not at the time employed by respondent. Respondent stated he did not know his actions were impermissible and denied any participation in the fraudulent acts committed by the unlicensed contractor. Respondent also admitted to submitting the necessary permits for the plumbing work performed for F.L. He admitted he failed to cancel the permits with the township when he was later told by the unlicensed entity that another plumber had been found to perform the work.

These facts establish a basis for disciplinary action, pursuant to N.J.S.A. 45:1-21(h), in that respondent violated N.J.A.C. 13:32-3.4 which provides that any plumbing work that a licensed master plumber agrees to perform, that has not been subcontracted to another licensed master plumber, may be performed only by the licensed master plumber or the employee(s) of the licensed master plumber or the plumbing contractor.

Additionally, these facts establish a basis for disciplinary action, pursuant to N.J.S.A. 45:1-21(b), in that use of a seal by any person other than the State licensed master plumber to whom it was issued or the securing of a plumbing permit for an unlicensed person constitutes the use or employment of dishonesty, fraud, deception, misrepresentation or false pretense, and also a violation of N.J.A.C. 13:32-4.1(c).

It appearing that respondent desires to resolve this matter without recourse to formal proceedings, having waived any right to such proceedings and for good cause shown;

IT IS ON THIS 18 DAY OF ~~DECEMBER~~, 2008

HEREBY ORDERED AND AGREED THAT:

1. Respondent is hereby reprimanded for the above-stated violations, and shall cease and desist from engaging in such violations in the future.
2. Respondent shall pay a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of \$1,500 for subcontracting the plumbing work for J.T. to a person who was not a licensed master plumber, or employed by the respondent, in violation of N.J.A.C. 13:32-3.4; and for signing and sealing a plumbing permit for use by a person other than the State licensed master plumber to whom it was issued in violation of N.J.A.C. 13:32-4.1(c). Additionally, respondent shall pay a civil

penalty in the amount of \$1,000 for signing and sealing a plumbing permit, regarding F.L.'s residence, for use by a person other than the State licensed master plumber to whom it was issued in violation of N.J.A.C. 13:32-4.1(c). Payment of the civil penalties totaling \$2,500 shall be submitted simultaneous with the signing of this order, by certified check or money order made payable to the State of New Jersey and shall be sent to Barbara Cook, Executive Director, Board of Examiners of Master Plumbers, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101.

3. Respondent shall cease and desist from the violations described herein. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

4. Failure to timely remit any and all payments required by this order will result in the filing of a certificate of debt with interest accruing at the rate provided by the Rules of Court, and such failure or any violation of this order may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board, which could include the suspension or revocation of license.

BOARD OF EXAMINERS OF MASTER PLUMBERS

By: Peter I Voros
Peter Voros
Board President

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.

Michael Gesualdo
Michael Gesualdo LMP

12/12/08
Date